

**NORTH LITTLE ROCK
BOARD OF ADJUSTMENT AGENDA**

JULY 28, 2016

1:30 p.m.

Agenda Meeting: Roll Call

Reminder: Turn off cell phones

Administrative:

Approval of Minutes: March 30, 2016

Public Hearings:

1. BOA Case 2016-5. To allow a 17 foot front yard setback at an R-1 property located at 2208 Kansas Avenue.

2. BOA Case 2016-6. To allow an 8 foot privacy fence in an R-1 property located at 5509 Kari Hill Place.

Public Comment/Adjournment

North Little Rock Board of Adjustment

Minutes

March 31, 2016

The meeting of the North Little Rock Board of Adjustment as called to order by Chairman Carl Jackson at 1:30 P.M. in the Planning Office (Conference Room B).

Members Present

Carl Jackson, Chairman
Tom Brown
Steve Sparr
Mike Abele

Members Absent

Andy Hight

Staff Present

Shawn Spencer, Planning Director

Others Present

Paula Jones, City of North Little Rock Legal Department
Jessica Jones, 4045 NW 64th, Ste. 310, Oklahoma City, OK
Susi Witkowski, 6401 Southwind Drive, NLR, AR

Mr. Mike Abele formed a motion to excuse Mr. Hight as he was on vacation and was seconded by Tom Brown and there was no dissent.

Approval of Minutes

Mr. Sparr formed a motion to approve minutes from the February 23, 2016 meeting.

Mr. Abele seconded the motion and there was no dissent.

Old Business

None

New Business

1. **BOA Case 2016-3.** To allow a 120' cellular tower to be installed at 2725 Central Airport Road zoned I-3.

Chairman Jackson swore in the applicant and asked her to state her name and address for the record.

Chairman Jackson asked Ms. Jones to explain why a 120' cellular tower is needed at that location.

Ms. Jones stated that this tower is a "self support" tower that provides monitoring surveillance for 5 additional sites for Magellan.

The proposed location is monitored by an individual but the other locations are monitored electronically monitoring flow and run rates, etc. Basically the proposed tower is an alarm monitoring system for the additional monitored four other sites.

Ms. Jones further stated that the proposed tower is not monitored by Federal Aviation Administration due to its low height.

Mr. Abele asked Mr. Spencer why was the BOA hearing this case since FAA was not monitoring the tower.

Mr. Spencer replied that due to the proposed height of 120' feet the maximum allowed is 75' feet without going before the BOA.

Ms. Jones stated that towers are designed to fail at a stress point so not to fail completely as a unit but at specific sections so that they will not fail completely.

Mr. Brown stated that the tower is located in the flight path to the North Little Rock Airport and the proposed tower will need to have a blinking red light powered with a backup power system in case of power failure.

Mr. Sparr noted that he visited the proposed location earlier this week and the site is very clean and well maintained.

Mr. Brown made a motion that the proposed tower needs a red blinking beacon with a battery backup or generator backup.

Mr. Abele commented that if the FAA does not require it why are we asking for red blinking beacon?

Mr. Brown again stated that because of close proximity at the airport.

Mr. Jackson formed a motion with the 2 requirements for a red blinking beacon and with a battery powered backup or generator.

Mr. Brown seconded the motion and it was approved with 3 yes votes and one no vote.

2. **BOA Case 2016-4.** To allow a 6' foot chain link fence with 3 strands of barb wire located at 1922 Landski zoned C-4

Chairman Jackson swore in the applicant and all others that wish to speak.

Chairman Jackson asked Ms. Witkowski to state her name and address for the record.

Chairman Jackson asked Ms. Witkowski why she was requesting a chain link fence with barb wire for the location at 1922 Landski.

Ms. Witkowski stated that the MacArthur Drive neighborhood is experiencing substantial criminal issues in the neighborhood including broken windows, break ins of buildings, etc. and experiencing problems with former tenants (renters) have been numerous with some proposed renters deciding not rent due to crime.

Ms. Witkowski did have a friend recommend the current tenant to rent the building but he wanted a concrete pad to be installed and in addition a fence with a gate for security which she agreed to do.

Ms. Witkowski stated that after the installation was completed a Building Inspector issued a stop work order and at that time she contacted the Planning Department only to realize that a permit was never purchased of for the fence.

Mr. Spencer stated that the fence permit wasn't the primary issue but a front yard fence is not allowed so the BOA would have to hear the case anyway in order to install the front fence in addition to a gate and barb wire.

Mr. Brown asked who did not obtain a permit for construction of the fence?

Mr. David Richardson of Ingle Fence stated that he in fact did not purchase a permit and he further stated that he deals with no less than 30 plus commercial fence permits per week and due to some personal changes in his company etc. he neglected in purchasing the permit but in no way does he try to bypass any city requirements.

Mr. Brown stated that he has no problem with the gate or fence as it currently is installed.

Mr. Brown did ask Ms. Witkowski if her renter has a problem with the barb wire facing in or out?

Mr. Spencer stated that the fence and the gate are not allowed in the front yard and the barb wire has to face inward or up plus the gate has to be 40' feet from the street.

Mr. Abele stated that the fence is ok but the gate has to be moved.

Mr. Spencer also stated that the current renter might not need the 40' setback for a large truck to turn around but the next tenant might so that is why the gate has to be moved 40' feet from the street.

Mr. Jackson stated that since the fence as presently installed is ok the hardship for the property is basically security.

Mr. Sparr formed a motion to move the gate 40' feet from the street with approval from the Fire Marshal, remove existing barb wire and reinstall facing inward or at an angle and obtain a permit for the fence and related fence work.

Mr. Abele seconded the motion and it was approved unanimously.

Mr. Jackson asked Ms. Witkowski to speak with Mr. Spencer after the meeting to verify the details on exactly what she needs to do regarding her fence.

Mr. Abele made a motion to adjourn.

CASE: BOA #2016-5

REQUEST: to allow a front yard building line variance of 17 ft. from the property line.

LOCATION OF THE REQUEST: 2208 KANSAS AVE

APPLICANT: Carey Young

OWNER: CALHOUN REVOCABLE TRUST

SITE CHARACTERISTICS: Developed lot in R- 1 residential neighborhood.

ZONING: R-1

SURROUNDING USES:

NORTH:	Residential Single Family
SOUTH:	Residential Single Family
EAST:	Residential Single Family
WEST:	Residential Single Family

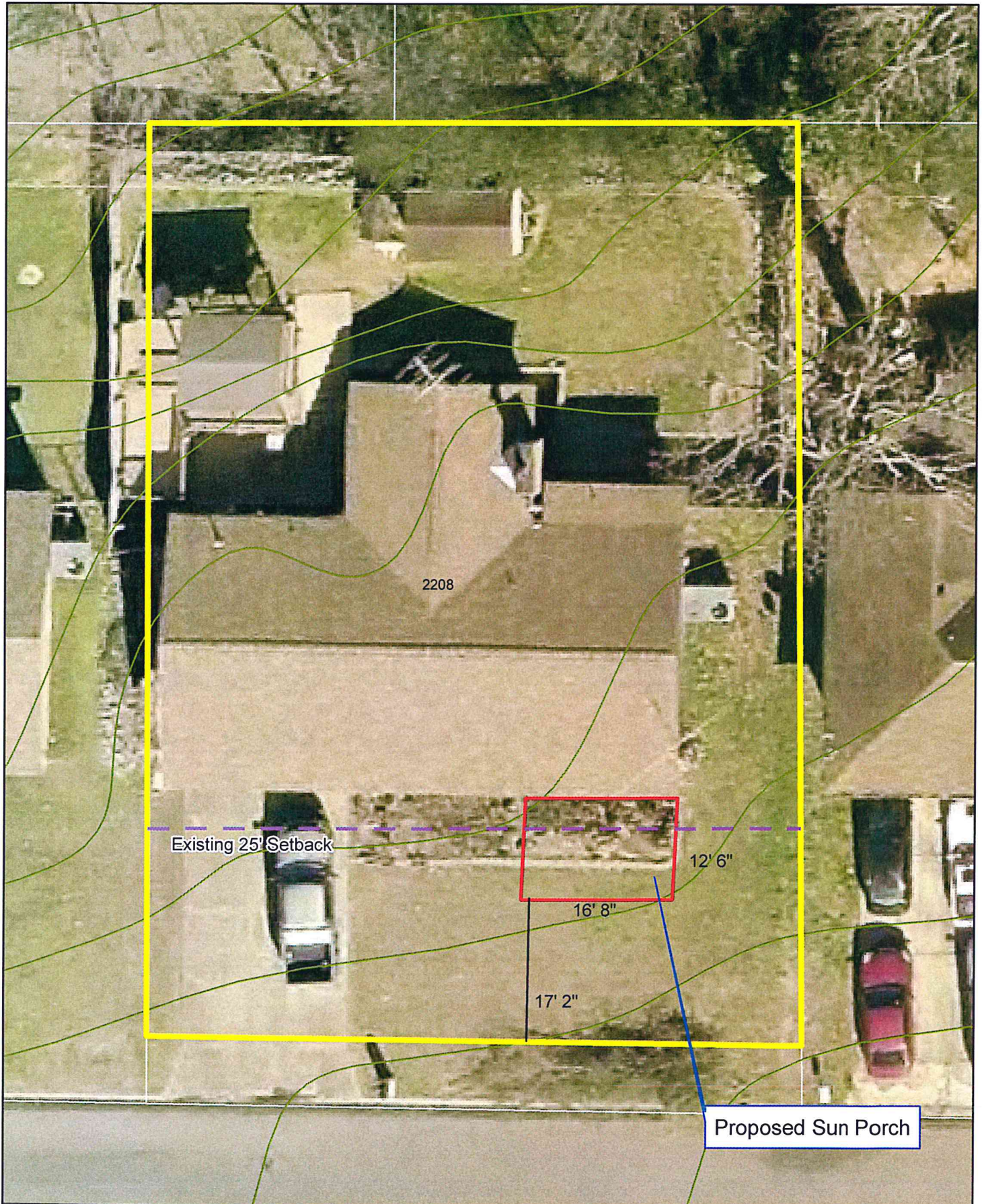
SUMMARY: The applicant wants to install a sunroom that is proposed to be 17 feet from the front building line and a covered wheelchair ramp adjacent to the sunroom.

STAFF RECOMMENDATION: Approve

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No, the request is in a residential area.
 2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No, the property has been residential for years.
 3. Is there something unique about the property that necessitates the variance? Yes. Ordinance requires a 25' foot front yard setback and if approved the front yard setback would be 17 feet.
 4. Will the request injure the planned or appropriate use of adjoining property? No, if approved by the board and a permit is issued, there should be no negative effect.
 5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No, the request is permitted in this zone.
 6. Will the variance be in harmony with the spirit of the ordinance? Yes
 7. Will a variance adversely impact health, safety and general welfare? No, the variance shown does not adversely impact health, safety and general welfare.
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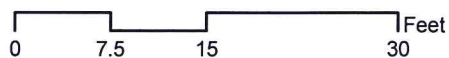
North Little Rock Board of Adjustment



BOA CASE #2016-5

Date: 7/11/2016

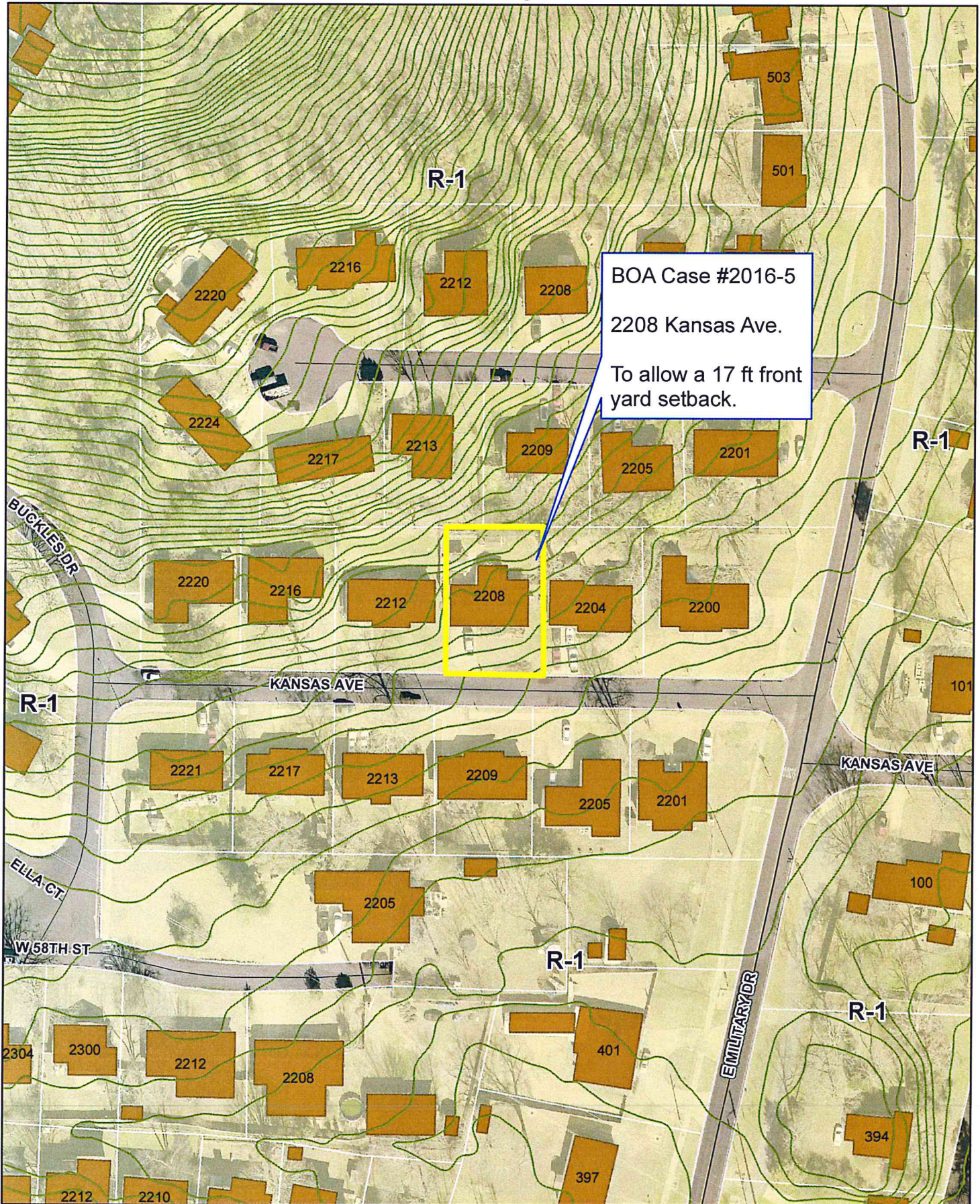
1 inch = 15 feet



User: jhale



North Little Rock Board of Adjustment



BOA CASE #2016-5

Date: 6/29/2016

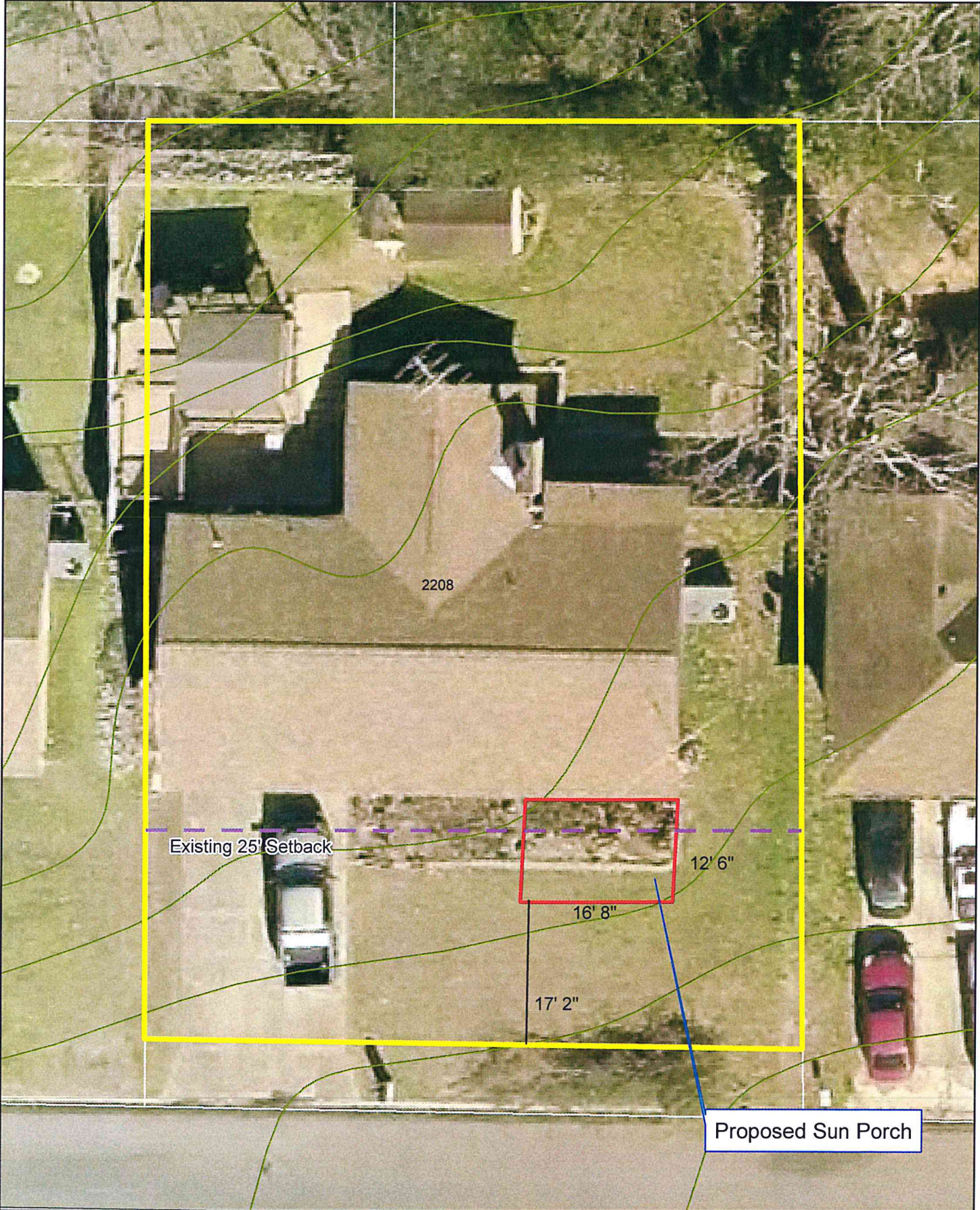
1 inch = 100 feet



User: jhale



North Little Rock
Board of Adjustment



BOA CASE #2016-5

Date: 7/12/2016

1 inch = 15 feet

0 7.5 15 30 Feet



User: JPritchett







CASE: BOA #2016-6

REQUEST: To allow an 8 foot privacy fence in the front and side yard.

LOCATION OF THE REQUEST: 5509 KARI HILL PL

APPLICANT: Judy M. Monroe

OWNER: Judy M. Monroe

SITE CHARACTERISTICS: Residential lot

ZONING: R-1

SURROUNDING USES:

NORTH: Residential Single Family

SOUTH: Multi Family – Summer Tree Apartments

EAST: Residential Single Family

WEST: Residential Single Family

SUMMARY: The applicant has requested to replace an existing 6' foot privacy fence with an 8' privacy fence that is in the front and side yard adjacent to an apartment complex. The existing 6' privacy fence is in disrepair but is not allowed to be any taller than 3.5' feet in the front yard area by current ordinance.

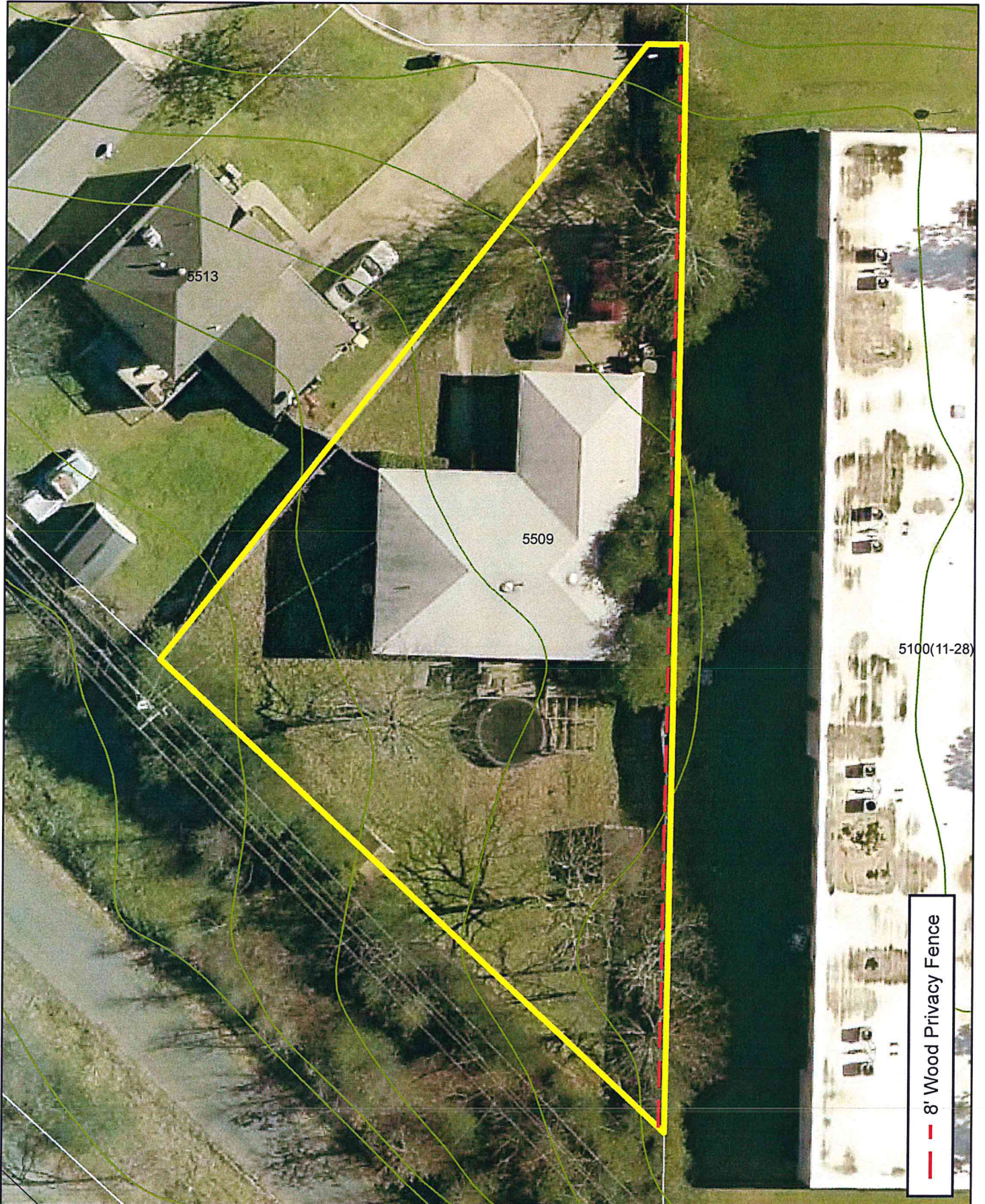
If the apartment complex were to pull the permit, Staff would allow an 8' fence, due to the location being the rear yard of the complex.

STAFF RECOMMENDATION: Approve

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No. Ordinance requires that front yard fences cannot be any taller than 3.5' feet tall. Ordinance will allow side yard fences to be 6' feet tall, rear yard fences to be 8' feet tall.
 2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No.
 3. Is there something unique about the property that necessitates the variance? Yes. The front yard is adjacent to an apartment complex and the existing fence is currently 6' feet tall.
 4. Will the request injure the planned or appropriate use of adjoining property? No.
 5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No.
 6. Will the variance be in harmony with the spirit of the ordinance? Yes.
 7. Will a variance adversely impact health, safety and general welfare? No, the variance shown does not adversely impact health, safety and general welfare.
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North Little Rock Board of Adjustment



BOA CASE #2016-6

Date: 7/11/2016

1 inch = 25 feet

0 12.5 25 50 Feet



User: jhale



North Little Rock Board of Adjustment



BOA CASE #2016-6

Date: 7/11/2016

1 inch = 100 feet

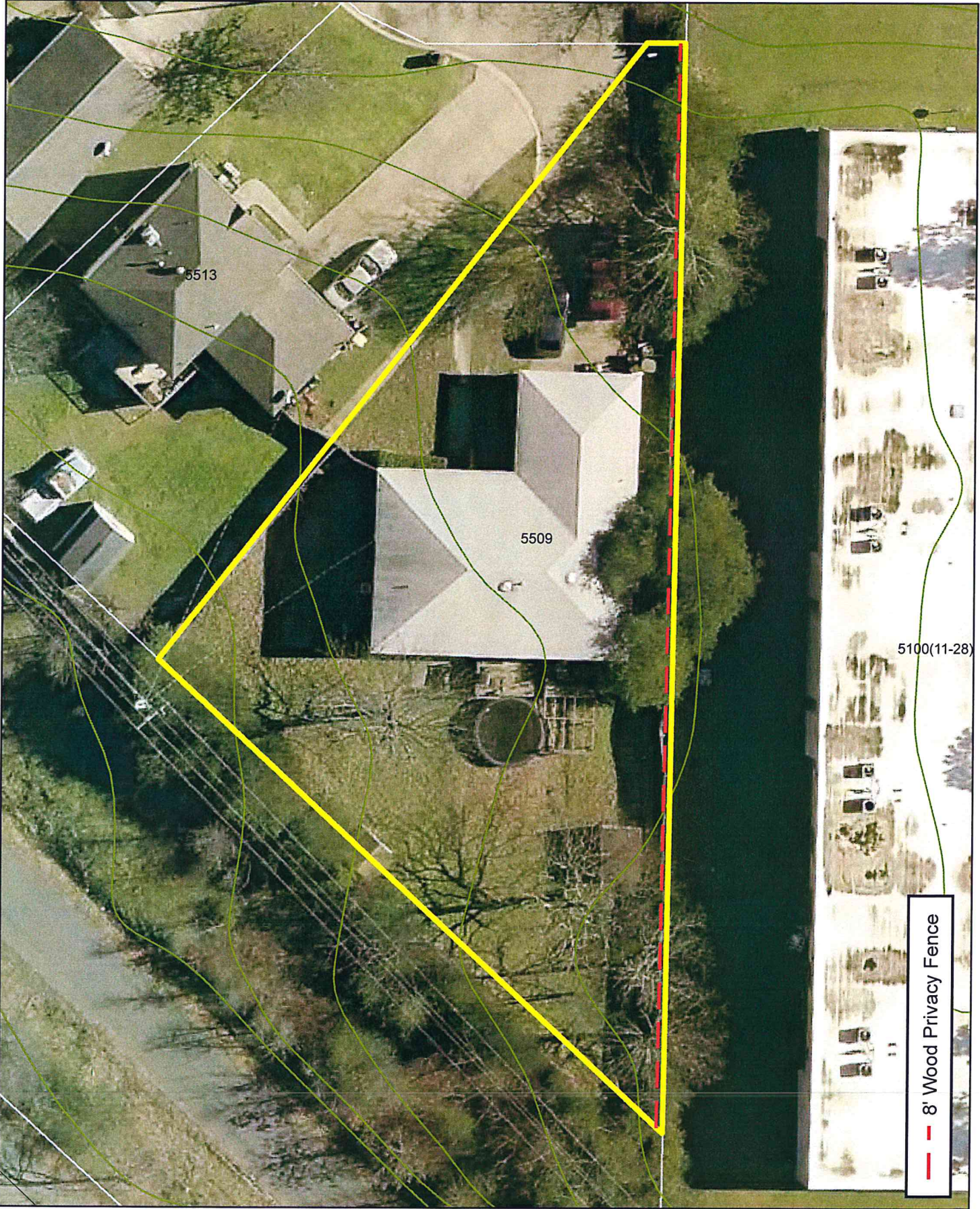
0 50 100 200 Feet



User: jhale



North Little Rock
Board of Adjustment



BOA CASE #2016-6

Date: 7/12/2016

1 inch = 25 feet

0 12.5 25 50 Feet



11:58:11 PM 7/12/2016









